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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,259	12/28/2000	Gregory John Uhlmann	ROC920000175	7407
7590	06/24/2004		EXAMINER	LIM, KRISNA
Gero G. McClellan Thomason, Moser & Patterson, L.L.P. Suite 1500 3040 Post Oak Boulevard Houston, TX 77056-6582			ART UNIT	PAPER NUMBER
			2153	
			DATE MAILED: 06/24/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/750,259	UHLMANN, GREGORY JOHN	
	Examiner Krisna Lim	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

1. Claims 1-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neal [U.S. Patent No. 6,711,154] in view of Pepe et al. [U.S. Patent No. 5,754,668].
2. Taking claims 1-3 and 9 as exemplary claims, O'Neal discloses a system for receiving a plurality of messages from a plurality of different message sending devices such as telephone, fax machine, a computer, or PDA, and for notifying a plurality of receiving devices upon receipt of selected ones of the plurality of received messages. And, all messages are converted into format compatible with a data network for delivery to a web server which includes a message notification system with message type selection and incoming message filtering. A user selects the type of message for which he or she wishes to be alerted, and designates one or more devices types to receive the alert (e.g., see the abstract, col. 3, line 64, to col. 4, line 42).
3. O'Neal does not explicitly mention that the message is transmitted to PDA via a wireless channel. Pepe, on the other hand, teaches the message is transmitted to PDA via a wireless transmission (e.g., see col. 12, lines 51-52). Since both of these two references are directed toward to the method and the system for control the receipt and delivery message in the computer network, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Pepe into O'Neal's system in order to enhance O'Neal system with additional features of Pepe for delivering message to PDA via a wireless channel. Moreover, the use of e-mail message and wireless communication as a means for communicate among devices or users in a communication network are well known features in the art at the time the invention was made.
4. As to claim 4, Pepe discloses the correspondence information (options) is programmed into the memory storage (e.g., see the last two line of the abstract).
5. As to claim 5-7, Both of O'Neal and Pepe do not explicitly mention that their message comprises at least one business card information and calendar appointment

information. And, the business information comprises at least one of a name of a person, an address, a telephone number and a title of the person. And, the calendar appointment information comprises at least one of an appointment time, a location of the appointment, a telephone number and a name of a person. It would have been obvious to one of ordinary skill in the art the time the invention was made to recognize that such specific of information comprises at least one business card information and calendar appointment information would have been a matter of design choice while the specific information such as: a name of a person, an address, a telephone number and a title of the person, an appointment time, a location of the appointment, a telephone number and a name of a person, etc. are also a matter of design choice too.

6. As to claim 8, such use of wireless channel to include an infrared signal path is also a well know feature too (e.g., see Figs. 1A and 1B of the U.S. Patent No. 6,437,836.

7. Claims 10-20 are similar in scope as of claims 1-9, and therefore claims 10-20 are rejected for the same reasons set forth above for claims 1-9.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Krisna Lim whose telephone number is (703) 305-9672. The examiner can normally be reached on Monday-Friday from 7:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Glenton Burgess, can be reached at (703) 305-4772. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [glen.burgess@uspto.gov].

All Internet e-mail communication will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirement of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Office Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

kl

June 22, 2004



KRISNA LIM
PRIMARY EXAMINER